

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

RICCARDO MERCELLUS DAVEY

Date of Original Judgment: MARCH 18, 2003Date of Previous Amended Judgment: 10/31/19

(Use Date of Last Amended Judgment if Any)

Case No: 5:02-CR-201-1HUSM No: 21204-056LAURA WASCO

Defendant's Attorney

**AMENDED ORDER REGARDING MOTION FOR SENTENCE
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(1)(B)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(1)(B) for a modification of an imposed term of imprisonment to the extent otherwise expressly permitted by statute and as provided by Section 404 of the First Step Act of 2018, and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 360 months is reduced to 280.

(Complete Parts I and II of Page 2 when motion is granted)

Additionally, the term of supervised release is reduced to four years.

This matter is before the court on remand from the Fourth Circuit. The court specifically notes it has considered all the filings in this matter, including defendant's post sentencing conduct in this matter. The court notes defendant is now 57 years old and has spent almost 19 years in custody. He has a consistent employment history, very few infractions, has been working on obtaining his GED and taking educational, vocational, and other courses. He maintains contact with his family.

The statutory range has lowered from 10 years to life to 5 to forty years. Defendant was sentenced under a mandatory guidelines scheme. Here, where there are positive post-sentencing factors, the court finds a sentence below the guideline range is appropriate. As a first-time drug offender who has positive post-sentencing conduct, the court finds it appropriate to reduce his sentence to a term of 280 months, still a lengthy sentence.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

Except as otherwise provided, all provisions of the judgment(s) dated March 18, 2003 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 5/6/21


Judge's signature

Effective Date: _____
(if different from order date)

Printed name and title